

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

**EDWARD L. REESE,**

**Plaintiff,**

**v.**

**EQUIFAX INFORMATION SERVICES,  
LLC, et al,**

**Defendants.**

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**CIVIL ACTION 08-0170-KD-M**

**ORDER**

On July 22, 2008 defendant Experian Information Solutions, Inc, filed a suggestion of death of plaintiff Edward L. Reese pursuant to Rule 25(a)(1) of the Federal Rules of Civil Procedure (doc. 39). On September 29, 2008, counsel for the deceased plaintiff filed a notice of non-substitution informing the court that plaintiff died on July 3, 2008 and that no party would be substituted as the plaintiff in this matter (doc. 40).

Rule 25 of the Federal Rules of Civil Procedure governs substitution of parties and states as follows:

(a) Death. (1) Substitution if the Claim Is Not Extinguished. If a party dies and the claim is not extinguished, the court may order substitution of the proper party. A motion for substitution may be made by any party or by the decedent's successor or representative. If the motion is not made within 90 days after service of a statement noting the death, the action by or against the decedent must be dismissed.

The docket indicates that more than ninety (90) days have passed since the service on July 22, 2008, of a statement noting the death and no motion for substitution has been filed. In accordance with Rule 25(a)(1), this action is DISMISSED.

**DONE and ORDERED** this the 21st day of October, 2008.

**s / Kristi K. DuBose**

**KRISTI K. DuBOSE**

**UNITED STATES DISTRICT JUDGE**